

CITY OF TAKOMA PARK

Noise Control Board Hearings

What is the Takoma Park Noise Control Board?

The City of Takoma Park Noise Control Ordinance (Chapter 14.12 of the Takoma Park Code) empowers the Noise Control Board to conduct hearings on noise disturbance complaints and to make findings of noise disturbance violations.

Who are the members of the Noise Control Board?

The Noise Control Board consists of up to 7 City residents who serve voluntarily. A panel of three Noise Control Board members normally conducts a hearing.

When does the Noise Board conduct hearings?

A Noise Control hearing is conducted upon the written complaint of a noise disturbance filed by two or more City residents filed within 10 days of the occurrence of the noise disturbance incident. Complaints must be in writing and filed with the City Clerk (City Clerk, City of Takoma Park, 7500 Maple Ave., Takoma Park, MD 20912, telephone (301) 891-7206). Citizens' Two-Party Noise Disturbance Complaint Forms are available from the City Clerk's Office or on the City's web page at www.cityoftakomapark.org.

What is a Noise Disturbance?

A "noise disturbance" is defined by the City of Takoma Park Noise Control Ordinance as any steady-state or impulsive noise occurring on either a continuous or intermittent basis that is:

- (1) unpleasant, annoying, offensive, loud, or obnoxious,
- (2) unusual for the time of day or location where it is produced or heard, or
- (3) detrimental to the health, comfort, or safety of any individual or to the reasonable enjoyment of property or the lawful conduct of business because of the loudness, duration, or character of the noise.

What Procedure does the Noise Control Board Use in Conducting Hearings?

Noise Control Board hearings are open to the public. At the hearing, both the Complainant (*i.e.*, the person(s) who filed the Noise Disturbance Complaint) and the person against whom the Noise Disturbance Complaint was filed (called the "Respondent") may present testimony and evidence to substantiate any material point. The Complainant is heard first, together with any witnesses appearing on Complainant's behalf. Respondent and supporting witnesses then present their views. All testimony is to be given under oath or affirmation. Each party also has the right to question opposing witnesses, to rebut or respond to factual statements, and to present summation and argument. Board members also may ask questions of any party or witnesses and enter its own evidence.

The Board may consider evidence which would be commonly accepted by reasonable and prudent people as having a causal relationship to the noise disturbance complaint matter before the Board. The Board panel may exclude from evidence irrelevant and repetitious testimony and documents. The burden of proof of establishing a violation of the Noise Control Ordinance is on the Complainant (the party who filed the Noise Disturbance Complaint) and is met by a preponderance of the evidence.

What Questions Can I Expect At A Noise Control Board Hearing?

This fact sheet outlines the factual issues most likely to be encountered. As a Complainant or a Respondent, you are encouraged to review and be prepared to present the following information to support or defend against a Noise Disturbance Complaint. All parties are asked to listen carefully and courteously to all testimony given at the hearing.

Complainant's Information Format

(Please be prepared to furnish the following information)

- Date of Noise Disturbance.
- Description of type of noise (e.g., music).
- Time when noise started.
- Time when noise stopped.
- Your approximate distance from source of noise.
- How the noise affected or disturbed you, your family or guests.
- Describe any steps taken to address the source of noise.
- Did you or your neighbors call for Police Assistance?
- If so, time of officer arrival & identity of responding officer.
- Did the officer resolve the problem?
- Did you contact neighbors or owners of property from which noise originated, during or after the incident?
- Results/comments by occupants or owner.

NOTICE: If other persons can confirm the factual details of any complaint, the Noise Control Board strongly encourages the attendance of such witness(es) at the hearing.

Respondent's Information Format

(In your reply, be prepared to furnish the following information.)

- Your description of the noise disturbance incident and any factual differences concerning type of noise, its duration and distance to complainant's property.
- Location of noise disturbance incident (e.g. inside or outside).
- Describe any steps taken to prevent or minimize the alleged noise disturbance.
- Did the Police respond to the noise complaint? If so, time of officer arrival and result/comments by officers.
- Did neighbors contact you during or after the noise disturbance incident?
- Results/comments by neighbors.
- Did the owners or occupants of the property from which the alleged noise disturbance originated take any action during or after the incident?
- Results/comments by owner.

NOTICE: If other persons can confirm the factual details of any complaint, the Noise Control Board strongly encourages the attendance of such witness(es) at the hearing.

Do I Need an Attorney to Represent Me?

The Noise Control Board encourages direct participation by the parties in the development of the facts concerning a noise disturbance complaint. While you may have an attorney attend the Noise Control Board hearing to furnish you with legal advice and representation, an attorney is not required.

What Happens After the Noise Control Board Hearing?

Following a Noise Control Board hearing, the Board will determine whether or not there has been a violation of the City's Noise Control Ordinance. The Board's decision may be announced orally, following the hearing, or the Board may take the case under advisement and issue a written decision on the noise disturbance complaint within a reasonable time following the hearing.

If a violation is found, then the Board may order the violator to cease or desist from the noise disturbance-creating conduct or activity or to take other corrective action. A fine of up to \$200 also may be imposed for each violation. The Board may find the owners and/or the occupants of a property responsible for noise disturbance violations.

What Other Processes Exist to Resolve Noise Issues?

The City of Takoma Park Noise Control Ordinance establishes maximum allowable noise levels. Enforcement Officers, that is, City Police and Nuisance Abatement officers, may take noise level readings at the property line where noise is being produced. Using a sound level meter, an enforcement officer may issue warnings or may immediately issue a municipal infraction citation when the meter provides direct evidence that a violation has occurred. A first citation carries a \$200 fine; subsequent citations for the same violation in a one year period carry a \$400 fine.

Noise Limits At Your Property Line Are:

Daytime (7 am - 8 pm*) = 65 dBA

Night (8 pm - 7 am*) = 55 dBA

*Weekdays. On weekends and holidays, daytime is from 9 am - 10 pm and nighttime is from 10 pm - 9 am